

CONSENT AGENDA

CLAIM OF: Firemans Fund Insurance as subrogee of
Gordon Harper
P.O. Box 4032
Rocky Hill, CT 06067

For damages alleged to have been sustained as a result of a vehicular accident on May 30, 2000 at 1940 Northside Drive, NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Firemans Fund Insurance as subrogee of Gordon Harper** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on May 30, 2000 at 1940 Northside Drive, NW., as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COM. Public Safety

DATE 11/28/00

CHY C. T. Martin

Sherry Davis

Mark A. [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ADOPTED BY
DEC 04 2000

COUNCIL

CERTIFIED
DEC 4 2000
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
DEC 04 2000
MUNICIPAL CLERK
[Signature]

APPROVED

DEC 13 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

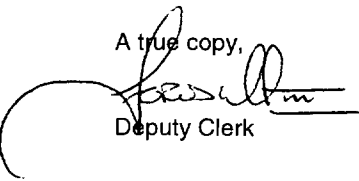
00-R-1911

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Firemans Fund Insurance** as subrogee of **Gordon Harper** in the sum of **\$2000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **vehicular accident on May 30, 2000 at 1940 Northside Drive, NW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,


Deputy Clerk

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

DEC 04, 2000

DEC 13, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0677

Date: November 16, 2000

Claimant /Victim GORDON HARPER
BY: (Atty) (Ins. Co.) FIREMANS FUND INSURANCE
Address: P.O. Box 4032, Rocky Hill, CT 06067
Subrogation: Claim for Property damage \$ 7,445.10 Bodily Injury \$
Date of Notice: 10/23/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/30/00 Place: 1640 Northside Drive, NW
Department POLICE Division
Employee involved Alton B. Calhoun Disciplinary Action: Oral Admonishment - 10/17/00

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was struck a city vehicle that "failed to yield when entering a roadway".

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

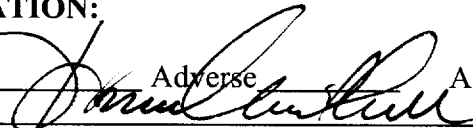
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,000.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager:  Concur/date 11/17/00
Committee Action: Council Action



LOWEN MORTON - 1-800-848-0819 BURNS

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

11/01/00

Today's Date: 9-8-00

ENTERED - 11-2-00 - SB
00L0677 - GWEN BURNS

Dear Municipal Clerk:

*Amount is after salvage, etc.

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ *7445.10 as vehicle was total loss property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 5-30-00 2. Time of Incident: _____ 3. Police called: ✓
(month/day/year) Yes No

4. Location of incident (including street address): _____

5. Name of your insurance company: Fireman's Fund Ins Co. Policy No. UZA 12216726
CLM# 710 00674709

6. State what and how incident occurred: unmarked police vehicle pulled out
and struck Gordon Harper vehicle.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Acura Integra 94 933MTW Corinne Harper
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: Ford Taurus Alton C. Cab Horn
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Shannon Kinopawke
Signature of Claimant for 771C

f 802-448-9033

Firemans Fund Ins for Gordon Harper
(Print Claimant's Name)

P.O. Box 4032
(Address)

Rocky Hill, CT 06067
(City, State and Zip Code)

860-513-3512
(Work Number) (Home Number)

GENERAL RELEASE AND INDEMNIFICATIONCLAIM NUMBER 00L0677\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND DOLLARS AND NO/100
DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of a vehicular accident
which occurred on or about the 30th day of May, 2000,
at or near 1940 Northside Drive, NW

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 15 day of Nov, 20 00

Shannon Kinopasko (LS)
FIREMANS FUND INSURANCE as subrogee of Gordon
Harper

The above release was read and explained to, and signed by the said _____

Shannon Kinopasko in our presence on the date above written.

Rutha Reyes

C. W. H. H. H.

WITNESSES

Marilyn R. Stawski

MARILYN R. STAWSKI
NOTARY PUBLIC
MY COMMISSION EXPIRES APR. 30, 2004

00-R-1911

RCS# 2434
12/04/00
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	B Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1874
00-O-1986
00-R-1950

CONSENT

		12/04/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1289 2. 00-O-1680 3. 00-O-1792 4. 00-O-1797 5. 00-O-1003 6. 00-O-1228 7. 00-O-1795 8. 00-O-1796 9. 00-O-1860 10. 00-O-1616 11. 00-O-1853 12. 00-O-1801 13. 00-O-1963 14. 00-O-1965 15. 00-R-1788 16. 00-R-1886 17. 00-R-1953 18. 00-R-1955 19. 00-R-2009 20. 00-R-2010 21. 00-R-2011* 22. 00-R-1890 23. 00-R-1937 24. 00-R-1938 25. 00-R-1939 26. 00-R-1940 27. 00-R-1988 28. 00-R-2006 29. 00-R-2013 30. 00-R-1887 31. 00-R-2015 32. 00-R-1957 33. 00-R-1958 34. 00-R-1877 35. 00-R-2008	36. 00-R-1959 37. 00-R-1882 38. 00-R-1985 39. 00-R-1943 40. 00-R-1945 41. 00-R-1946 42. 00-R-1947 43. 00-R-1948 44. 00-R-1949 45. 00-R-1951 46. 00-R-1970 47. 00-R-2016 48. 00-R-1901 49. 00-R-1902 50. 00-R-1903 51. 00-R-1904 52. 00-R-1905 53. 00-R-1906 54. 00-R-1907 55. 00-R-1908 56. 00-R-1909 57. 00-R-1910 58. 00-R-1911 59. 00-R-1912 60. 00-R-1913 61. 00-R-1914 62. 00-R-1915 63. 00-R-1916	64. 00-R-1816 65. 00-R-1817 66. 00-R-1818 67. 00-R-1819 68. 00-R-1820 69. 00-R-1821 70. 00-R-1822 71. 00-R-1823 72. 00-R-1824 73. 00-R-1825 74. 00-R-1826 75. 00-R-1827 76. 00-R-1828 77. 00-R-1829 78. 00-R-1830 79. 00-R-1831 80. 00-R-1832 81. 00-R-1833 82. 00-R-1834 83. 00-R-1836 * President Pitts recused himself.